



**FAIR** FEDERATION FOR AMERICAN IMMIGRATION REFORM

# Immigration

## REPORT

APRIL 2017

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## Senate Dems: We'll Stop Trump's Border Wall at all Costs, FAIR Will Fight for Funding

**S**enate Minority Leader Chuck Schumer (D-N.Y.) voted in favor of the Secure Fence Act in 2007 (as did then-Senators Barack Obama, Joe Biden and Hillary Clinton), apparently confident that the bill would join the long list of broken government promises to stop mass illegal immigration.

Ten years later, it now appears that the promise of controlling the southern border with help of secure fencing, technology and manpower might actually be kept, and Schumer and fellow Senate Democrats indicate that they are

prepared to invoke the “nuclear option” to prevent that from happening. In one of his first acts as president, Donald Trump signed an Executive Order instructing the Department of Homeland Security to move forward with completion of the border fence. In response, Democrats are threatening to block spending bills from moving through the Senate if funding for the border fence is included, a tactic that could result in a shutdown of the federal government.

If new spending measures are not

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## Trump's Strong Commitment to Border Security Already Deterring Illegal Crossings

**T**he border fence extension President Trump has promised along the U.S.-Mexico border has not been built yet. The 5,000 new Border Patrol agents that Secretary of Homeland Security John Kelly has requested have not been hired yet, much less deployed to the front lines. Economic and political conditions in Mexico and Central America, the source of a three-year surge in illegal immigration, have not changed significantly either.



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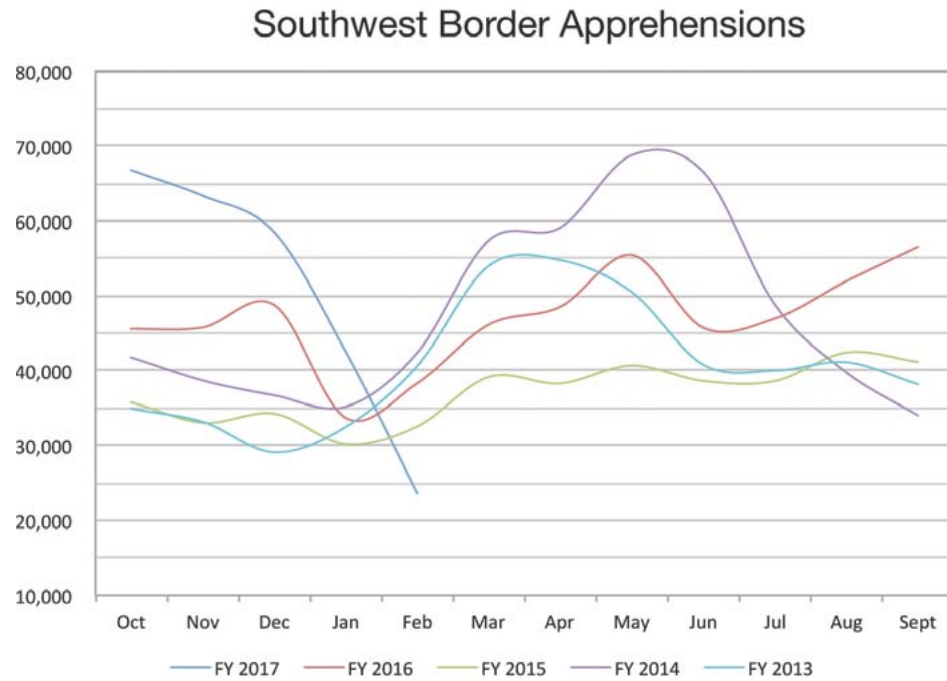


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BORDER CROSSINGS *continued*

And yet, the Customs and Border Protection agency reports that the number of people crossing the border illegally is down – way down. During February, the first full month of the Trump administration, the number of people apprehended illegally crossing the border plummeted by 40 percent, from 31,578 in January to 18,762 in February. Even more notable, the 40 percent drop bucks historic norms, as illegal entry traditionally spikes in February with border apprehensions generally running 10 to 20 percent above January levels.

What did change between January and February was the administration in power in Washington and the attitude of the Trump administration toward illegal immigration. In contrast to the Obama administration, which sent clear signals that people who crossed our borders illegally would likely be processed by the Border Patrol and released into the United States pending a hearing, often years in the future, the Trump administration is sending a vastly different message. The new admin-



istration has indicated that illegal border crossers will likely be detained pending a hearing, and if they do not have a legitimate claim to enter the United States, they will be returned to their homelands.

The dramatic decline in illegal immigration in just the first month of the new administration demonstrates that controlling perception is perhaps the most important factor in controlling illegal immigration. When the United States sends the message that crossing the border without permission will result in admittance, that prohibitions on employing illegal aliens will not be enforced, and that local governments can defy federal law to offer sanctuary, people respond rationally and come in large numbers. Conversely, when we send the signal that false claims for entry will be rejected and that reasonable efforts will be made to enforce the law against those who succeed in entering illegally, prospective illegal aliens also respond

rationally: Far fewer attempt to violate our laws.

FAIR has long argued that illegal immigration is a highly controllable phenomenon through the fair and consistent enforcement of our immigration laws. One of the highest priorities for the administration and for the 115th Congress must be to enact mandatory use of E-Verify for all employers. It is widely acknowledged that the availability of jobs in the U.S. is the most powerful draw for illegal immigration. By requiring that employers use a proven employment verification system and then carrying out meaningful enforcement against employers who persist in hiring illegal aliens, we have the ability to reverse decades of mass illegal immigration, which has harmed American workers and taxpayers.

GOVERNMENT SHUTDOWN *continued*

approved, many functions of the federal government would come to a halt on April 28 when current stop-gap appropriations expire. To keep the government functioning through the end of the fiscal year, September 30, Congress will likely seek to pass an omnibus appropriations bill that funds all federal departments and agencies. Under Senate rules, it

requires 60 votes to end a filibuster and allow a bill to go to the floor for a final vote.

In a warning letter to the Senate Republican leadership, Schumer and his Democratic colleagues both threaten a government shutdown and attempt to shift the blame for the massive disruption that would result. “We believe it would be inappropriate to insist on the inclusion of (wall) funding in a must-pass appropriations bill that is needed for the Republican majority in control of the Congress to avert a government shutdown so early in President Trump’s administration,” states the letter. “If Republicans insist on inserting poison pill riders such as... building a border wall, or starting a deportation force, they will be shutting down the government

and delivering a severe blow to our economy,” the letter continues.

During the previous administration, the congressional Republican leadership had a proven track record of conceding in the face of Democratic threats to force a government shutdown and blame it on Republicans. In 2015, the Republican majority withdrew language barring the Obama administration from using funds to carry out executive amnesty programs that Republicans widely denounced as unconstitutional. This latest attempt by Senate Democrats to hold the federal government hostage to their open borders agenda will present an early crucial test of the GOP leadership’s resolve to fulfill promises to secure the borders and enforce immigration laws. ■

## Trump Tells Congress Immigration Fixes a Priority, FAIR Steps Up Action

In his first address as president to a joint session of Congress and the nation, Donald Trump laid out his vision for immigration reform that serves the interests of the nation. The speech represented a marked departure from the positions of his recent predecessors. Instead of amnesty for illegal aliens, and greater access to foreign labor for American employers as the centerpieces of immigration reform, President Trump stressed the need to protect the economic and security interests of the American people, and an overhaul of our bloated and dysfunctional legal immigration policies.

The president’s address reaffirmed the promises he made throughout his campaign for the White House and which are widely credited as being key factors in his unexpected victory last November. Challenging his critics who have committed themselves to fighting his efforts to secure America’s borders and enforce immigration laws, Trump asked, “To any in Congress who do not



believe we should enforce our laws, I would ask you this one question: What would you say to the American family that loses their jobs, their income, or their loved one because America refused to uphold its laws and defend its borders?”

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TRUMP ADDRESS *continued*

President Trump's question was more than rhetorical. Seated alongside First Lady Melania Trump in the House chamber were Jamiel Shaw Sr. (who has worked closely with FAIR), whose 17-year-old son, Jamiel Jr., was gunned down by an illegal alien gang member who was allowed to remain in the country. Also in the gallery were the families of Michael Davis Jr. and Danny Oliver, two California law enforcement officers who were murdered in the line of duty by an illegal alien with multiple criminal convictions on his record.

To fulfill his commitment to the American people, the president called for specific measure to protect their interests and security. These included:

**Border Security:**

Following up the Executive Order he signed during his first week in office, the president reasserted his commitment to securing the nation's borders. "We will soon begin the construction of a great, great wall along our southern border [and] as we speak tonight, we are removing gang members, drug dealers, and criminals that threaten our communities and prey on our very innocent citizens," he said. In addition to physical barriers, Homeland Security Secretary John Kelly announced immediate plans to hire 5,000 new Border Patrol agents. The president also noted the dangers posed by international terrorist organizations, emphasizing the need to prevent them from infiltrating the United States. "We cannot allow a beachhead of terrorism to form inside America [and] we cannot allow our nation to become a sanctuary for extremists," Trump stated.



President Trump's invitees Jamiel Shaw Sr. (L), Jenna and Susan Oliver (center R) and Jessica Davis (bottom R) whose loved ones were killed by illegal aliens.

**Interior Enforcement:**

President Trump also acknowledged that we must also actively deter people from coming to the country illegally by removing incentives and demonstrating the resolve to enforce our laws. Doing so would have the added beneficial effect of enhancing job opportunities and wages for American workers. "By finally enforcing our immigration laws, we will raise wages, help the unemployed, save billions and billions of dollars, and make our communities safer for everyone," Trump declared. "We want all Americans to succeed, but that can't happen in an environment of lawless chaos. We must restore integrity and the rule of law at our borders." To this end, Secretary Kelly announced plans to hire 10,000 new Immigration and Customs Enforcement officers to carry out interior enforcement operations.

**Legal Immigration Reform:**

Perhaps most significantly, the president acknowledged the failure of our legal immigration system to serve any identifiable public interests. In his address, he urged that the current family chain migration

policy be scrapped and replaced with a merit-based system. "The current, outdated [legal immigration system] depresses wages for our poorest workers, and puts great pressure on taxpayers," he noted, calling upon Congress to adopt policies similar to those of Canada and Australia, which give preference to people with desired skills. FAIR supports S. 354, legislation introduced in February by Senators Tom Cotton (R-Ark.) and David Perdue (R-Ga.) that would end family chain migration and reduce immigration levels to historical norms.

Each of the president's immigration proposals will face stiff challenges from entrenched interests that seek to preserve the status quo. Despite Republican control of both houses of Congress and the White House, bringing these and other common sense immigration reforms to fruition will require active involvement from the American public. In the coming months, FAIR will dedicate its efforts to keeping the American people informed and prepared to make their voices heard in order to capitalize on this historic opportunity to carry out true immigration reform.

# Across the Country

**Missouri**

The Show Me State is one step closer to becoming the Show-Me-You're-Legally-Eligible-to-Work State. In early March, the Missouri Special Committee on Employment Security passed House Bill 264 to require all employers in Missouri to use E-Verify to verify that new employees are authorized to work in the United States. The bill is sponsored by Rep. Rick Brattin. Current Missouri law only requires employers that contract with the state or receive tax breaks or other state grants to use E-Verify. In addition to expanding the E-Verify use to all employers, HB 264 would also increase the penalties for employers who knowingly hire unauthorized workers. The full House of Representatives must vote for HB 264 before it can be sent to the Senate for consideration. If passed by the General Assembly, Governor Eric Greitens must sign the bill before it can become law.

**Mississippi**

A Mississippi bill that would prohibit all localities and state agencies, including the state's public universities and colleges, from adopting or implementing any policy that limits or prohibits communication or cooperation with federal agencies or officials regarding illegal aliens appears to be headed toward final passage. Senate Bill 2710, sponsored by Sen. Sean Tindell, was approved by the Senate in February by a vote of 32-16. A slightly amended version cleared the House in March by 76-41 margin. The amended House version must be approved by the Senate before it can be sent to the governor for his signature. Gov. Phil Bryant is expected to sign it.

**Washington**

The State of Washington and, in particular, the city of Seattle could face significant loss of federal dollars under an Executive Order signed by President Trump that denies certain federal funds and grants to sanctuary jurisdictions. Paraphrasing the old Camel cigarettes ad, Seattle would 'rather fight than switch,' or more accurately, would rather tax than switch its policies that offer blanket sanctuary to illegal aliens. A coalition of 38 groups is organizing a campaign to "Trump-proof Seattle." In a letter addressed to Mayor Ed Murray and the City Council, the coalition explains, "[W]e...know that we must prepare against threats of lost federal funding, as we rightly and proudly affirm Seattle's commitment to being a sanctuary city." To offset the potential loss of federal funds, the "Trump-proof Seattle" coalition seeks to raise \$100 million a year by imposing a 2.5 percent tax on unearned income of households with adjusted gross incomes of more than \$250,000 a year.

## Travel Ban Revised for Maximum Protection, Minimal Confusion

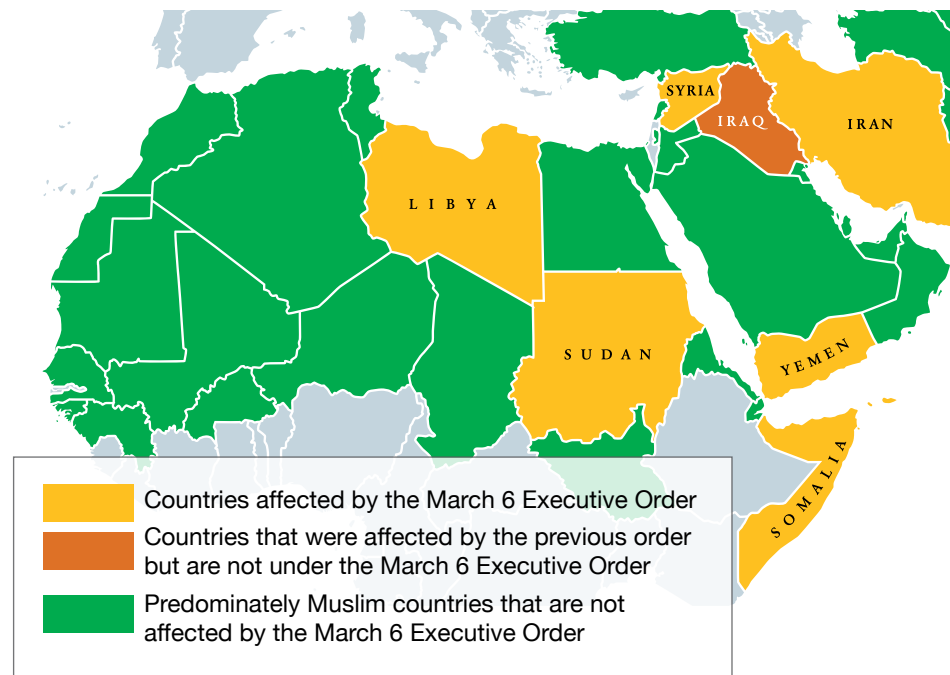
In the interest of implementing policies that are designed to prevent admission of terrorists to the United States, the Trump administration opted to revise an Executive Order temporarily halting the entry of citizens from countries known to sponsor or harbor terrorism. The revised Executive Order issued on March 6, replaces one that President Trump signed on January 25. A federal judge in Seattle issued a Temporary Restraining Order (TRO) blocking the administration from implementing the president's January 25 directive. A three-judge panel of the Ninth Circuit Court of Appeals upheld the lower court's TRO.

The new Executive Order applies to citizens of six nations: Iran, Libya, Somalia, Sudan, Syria and Yemen for 90 days and was supposed to begin on March 16. The revised order removes Iraq from the list of nations affected by the temporary halt in admissions. It also suspends the resettlement of refugees for 120 days and eliminates the indefinite suspension of resettlement of refugees from Syria.

The Executive Order was immediately characterized by open borders advocates as a "Muslim ban." It most definitely was not. The vast majority of the world's 1.5 billion Muslims would not have been affected by the order. Rather, the countries covered under the order are ones known to harbor or sponsor terrorism, or which are in such complete disarray as to make adequate vetting extremely difficult, if not impossible. Moreover, the affected nations were from a list of "countries of concern" compiled under the Obama administration.

Importantly, the March 6 order explicitly allows green card holders and people with existing visas from the affected nations to continue to enter the United States. The rollout of the original order in January created confusion about whether green card and visa holders from those nations would be barred from entering the country.

These substantive changes did not stop the state attorneys general who sued to prevent the January order



from taking effect from challenging the revised Executive Order. Three legal challenges to the revised order were filed by states with Democratic attorneys general. On March 15, Federal Judge Derrick K. Watson issued a TRO in a suit brought by the state of Hawaii and the Muslim Association of Hawaii. The Trump administration immediately vowed to appeal Judge Watson's ruling. (As of the deadline for this edition of the FAIR newsletter, no action had been taken.)

FAIR's legal experts believe that the president acted within his authority in issuing both the January and the March orders and that the administration will ultimately prevail on the merits on appeal. In addition, FAIR and the Immigration Reform Law Institute believe that the plaintiffs' legal standing to bring the suit were highly questionable, which should have led the courts to dismiss the claims. Unfortunately, as a protracted legal battle plays out, the nation remains vulnerable to terrorists who might seek to exploit the weaknesses in our vetting process.

In addition to the plaintiffs' lack of standing, the Constitution gives the president broad authority in the areas of national security and in determining who may enter the United States. This authority has been repeatedly affirmed by the U.S. Supreme Court.

## FAIR Study: E-Verify the Secret to Economic Recovery

With the onset of the Trump administration and its commitment to enforce the nation's immigration laws, the usual doomsayers are predictably forecasting the imminent collapse of the U.S. economy. Almost daily, the apologists for large-scale illegal immigration warn that the U.S. economy is imperiled by the potential loss of millions of illegal workers.

A new analysis by FAIR's research team indicates that not only will the U.S. economy survive if laws against employing illegal aliens are enforced, but it will thrive. Backing up this claim, the FAIR analysis, *The Impact of New and Expanded E-Verify Measures on Unemployment Rates Since the Great Recession*, shows that states that have mandated the use of E-Verify are faring better economically than states that do not require its use.

E-Verify is a system that allows employers to electronically authenticate the legal work eligibility of prospective applicants. First created by Congress in 1996, the optional program has a 99.7 percent accuracy rate in flagging fraudulent or stolen Social Security numbers, and has been adopted as mandatory by a number of states.

The study examines 15 states that have created or expanded E-Verify laws since 2009, and found that almost

all of the states experienced a drop in unemployment rates as a result. Perhaps more impressively, 12 out of the 15 states that passed new E-Verify measures experienced a drop in unemployment greater than the national average. Furthermore, states making E-Verify mandatory experienced the most pronounced decreases in unemployment rates.

FAIR's researchers used the U-6 unemployment data – which includes job seekers who have stopped searching for employment altogether or have settled on part time work – as the benchmark representation for those who are genuinely unemployed.

These findings should come as no surprise. As more jobs are made unavailable to illegal aliens when employers are required to check their work eligibility through a federal database, American workers move in to fill them, often at higher wages. E-Verify also creates a level playing field for all employers, preventing unscrupulous employers from undercutting honest competitors by hiring low-wage illegal aliens. It also makes it easier to identify and prosecute those employers who rely on illegal workers hired off-the-books and paid in cash.



### DID YOU KNOW?

- E-Verify electronically compares information from an employee's I-9 Form against millions of Social Security Administration and Department of Homeland Security files.
- The databases can include U.S. passport and visa information, immigration and naturalization documents, Social Security numbers, driver's licenses and other state-issued IDs, and sometimes official photos.
- 98.92% of employees are automatically confirmed as authorized to work either instantly or within 24 hours.
- Of the remaining 1.08% who receive initial system mismatches, 0.92% are correctly flagged as work unauthorized. Only a fraction of employees, 0.16%, are later confirmed eligible after contesting and having their mismatch status reviewed.
- E-Verify is free and is one of the federal government's highest-rated services for customer satisfaction.

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Illegal immigration and out of control legal immigration policies are leading America down a disastrous course, jeopardizing your security, opportunities, and freedoms. But you can help stop this now and guarantee that FAIR's efforts to fight for your interests are never hindered due to inadequate funds.

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